

# SENATE BILL 652

E4

11r2696  
CF HB 507

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By: **Senator Ramirez**

Introduced and read first time: February 4, 2011

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Use of Electronic Control Devices – Reports**

3 FOR the purpose of requiring a law enforcement agency that issues electronic control  
4 devices to its law enforcement officers to report certain information relating to  
5 the use of electronic control devices annually on or before a certain date to the  
6 Governor's Office of Crime Control and Prevention using a certain format;  
7 requiring the Police Training Commission, in consultation with the Governor's  
8 Office of Crime Control and Prevention, the Maryland Chiefs of Police  
9 Association, and the Maryland Sheriffs' Association, to develop a standardized  
10 format that certain law enforcement agencies shall use in reporting certain data  
11 to the Governor's Office of Crime Control and Prevention; requiring a law  
12 enforcement agency to compile certain information as a report in a certain  
13 format and to submit the report to the Governor's Office of Crime Control and  
14 Prevention on or before a certain date; requiring the Governor's Office of Crime  
15 Control and Prevention to analyze and summarize certain reports of law  
16 enforcement agencies and to submit a report of the analyses and summaries to  
17 the Governor, the General Assembly, and each law enforcement agency on or  
18 before a certain date each year; providing that, if a law enforcement agency fails  
19 to comply with the reporting requirements of this Act, the Governor's Office of  
20 Crime Control and Prevention shall report the noncompliance to the Police  
21 Training Commission; providing that the Commission shall contact a certain  
22 law enforcement agency and request that the agency comply with this Act under  
23 certain circumstances; providing that, if a certain law enforcement agency fails  
24 to comply with certain reporting provisions within a certain period after being  
25 contacted by the Police Training Commission, the Governor's Office of Crime  
26 Control and Prevention and the Commission jointly shall make a certain report  
27 to the Governor and the Legislative Policy Committee of the General Assembly;  
28 defining certain terms; providing for the termination of this Act; and generally  
29 relating to the use of electronic control devices by law enforcement officers.

30 BY adding to

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Public Safety  
2 Section 3–508  
3 Annotated Code of Maryland  
4 (2003 Volume and 2010 Supplement)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
6 MARYLAND, That the Laws of Maryland read as follows:

7 **Article – Public Safety**

8 **3–508.**

9 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE  
10 MEANINGS INDICATED.

11 (2) “DEPLOY” MEANS POINTING AN ECD AT A PERSON, WHETHER  
12 OR NOT THE ECD LASER DOT IS AIMED AT THE PERSON.

13 (3) “DISCHARGE” MEANS FIRING AN ECD AT A PERSON.

14 (4) “ELECTRONIC CONTROL DEVICE” OR “(ECD)” MEANS A  
15 PORTABLE DEVICE DESIGNED AS A WEAPON CAPABLE OF INJURING,  
16 IMMOBILIZING, OR INFLICTING PAIN ON AN INDIVIDUAL BY THE DISCHARGE OF  
17 ELECTRICAL CURRENT.

18 (5) “LAW ENFORCEMENT AGENCY” MEANS AN AGENCY THAT IS  
19 LISTED IN § 3–101(E) OF THIS TITLE.

20 (6) “POLICE TRAINING COMMISSION” MEANS THE UNIT WITHIN  
21 THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES  
22 ESTABLISHED UNDER § 3–202 OF THIS TITLE.

23 (B) ON OR BEFORE MARCH 31 OF EACH YEAR, A LAW ENFORCEMENT  
24 AGENCY THAT ISSUES ELECTRONIC CONTROL DEVICES TO ITS LAW  
25 ENFORCEMENT OFFICERS SHALL REPORT THE FOLLOWING INFORMATION TO  
26 THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION USING THE  
27 FORMAT DEVELOPED UNDER SUBSECTION (C) OF THIS SECTION:

28 (1) FOR EACH TIME A LAW ENFORCEMENT OFFICER DEPLOYS AN  
29 ECD:

30 (I) THE DATE, TIME, AND LOCATION OF THE DEPLOYMENT;  
31 AND

1                   (II) THE RACE, GENDER, AND AGE OF THE PERSON AGAINST  
2 WHOM THE ECD WAS DEPLOYED; AND

3                   (2) FOR EACH TIME A LAW ENFORCEMENT OFFICER DISCHARGES  
4 AN ECD:

5                   (I) THE DATE, TIME, AND LOCATION OF THE DISCHARGE;

6                   (II) THE TYPE OF MODE USED AND THE POINT OF IMPACT;

7                   (III) THE NUMBER OF ECD CYCLES, THE DURATION OF EACH  
8 CYCLE, AND THE DURATION BETWEEN CYCLES;

9                   (IV) THE RACE, GENDER, AND AGE OF THE PERSON AGAINST  
10 WHOM THE ECD WAS DISCHARGED;

11                   (V) THE LAW ENFORCEMENT OFFICER'S REASON FOR  
12 DISCHARGING THE ECD;

13                   (VI) THE TYPE OF WEAPON, IF ANY, POSSESSED BY THE  
14 PERSON AGAINST WHOM THE ECD WAS DISCHARGED;

15                   (VII) THE TYPE OF INCIDENT IN WHICH THE PERSON AGAINST  
16 WHOM THE ECD WAS DISCHARGED WAS INVOLVED;

17                   (VIII) ANY RISK FACTORS PRESENT AT THE TIME OF THE  
18 DISCHARGE;

19                   (IX) ANY INJURIES OR DEATHS RESULTING FROM THE  
20 DISCHARGE OTHER THAN PUNCTURES OR LACERATIONS CAUSED BY THE ECD  
21 PROBES; AND

22                   (X) THE TYPE OF MEDICAL CARE, IF ANY, PROVIDED TO THE  
23 PERSON AGAINST WHOM THE ECD WAS DISCHARGED, OTHER THAN THE  
24 TREATMENT OF PUNCTURES OR LACERATIONS CAUSED BY THE ECD PROBES.

25                   (C) THE POLICE TRAINING COMMISSION, IN CONSULTATION WITH THE  
26 GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION, THE MARYLAND  
27 CHIEFS OF POLICE ASSOCIATION, AND THE MARYLAND SHERIFFS'  
28 ASSOCIATION, SHALL DEVELOP A STANDARDIZED FORMAT THAT EACH LAW  
29 ENFORCEMENT AGENCY SHALL USE IN REPORTING DATA TO THE GOVERNOR'S  
30 OFFICE OF CRIME CONTROL AND PREVENTION UNDER SUBSECTION (B) OF  
31 THIS SECTION.

1           **(D) A LAW ENFORCEMENT AGENCY SHALL:**

2                   **(1) COMPILE THE DATA DESCRIBED IN SUBSECTION (B) OF THIS**  
3 **SECTION FOR EACH YEAR AS A REPORT IN THE FORMAT REQUIRED UNDER**  
4 **SUBSECTION (C) OF THIS SECTION;**

5                   **(2) NOT LATER THAN MARCH 31 OF EACH YEAR, SUBMIT THE**  
6 **REPORT TO:**

7                           **(I) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND**  
8 **PREVENTION; AND**

9                                   **(II) 1. THE LOCAL GOVERNING BODY OF THE**  
10 **JURISDICTION SERVED BY THE LAW ENFORCEMENT AGENCY THAT IS THE**  
11 **SUBJECT OF THE REPORT; OR**

12   **2. IF THE JURISDICTION SERVED BY THE LAW**  
13 **ENFORCEMENT AGENCY THAT IS THE SUBJECT OF THE REPORT IS A MUNICIPAL**  
14 **CORPORATION, THE CHIEF EXECUTIVE OFFICER OF THE JURISDICTION; AND**

15                   **(3) MAKE THE REPORT AVAILABLE TO THE PUBLIC ON REQUEST.**

16           **(E) (1) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND**  
17 **PREVENTION SHALL ANALYZE AND SUMMARIZE THE REPORTS OF LAW**  
18 **ENFORCEMENT AGENCIES SUBMITTED UNDER SUBSECTION (D) OF THIS**  
19 **SECTION.**

20                   **(2) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND**  
21 **PREVENTION SHALL SUBMIT A REPORT OF THE ANALYSES AND SUMMARIES OF**  
22 **THE REPORTS OF LAW ENFORCEMENT AGENCIES DESCRIBED IN PARAGRAPH (1)**  
23 **OF THIS SUBSECTION TO THE GOVERNOR, THE GENERAL ASSEMBLY, AS**  
24 **PROVIDED IN § 2-1246 OF THE STATE GOVERNMENT ARTICLE, AND EACH LAW**  
25 **ENFORCEMENT AGENCY BEFORE SEPTEMBER 1 OF EACH YEAR.**

26           **(F) (1) IF A LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH THE**  
27 **REPORTING PROVISIONS OF THIS SECTION, THE GOVERNOR'S OFFICE OF**  
28 **CRIME CONTROL AND PREVENTION SHALL REPORT THE NONCOMPLIANCE TO**  
29 **THE POLICE TRAINING COMMISSION.**

30                   **(2) ON RECEIPT OF A REPORT OF NONCOMPLIANCE, THE POLICE**  
31 **TRAINING COMMISSION SHALL CONTACT THE LAW ENFORCEMENT AGENCY AND**  
32 **REQUEST THAT THE AGENCY COMPLY WITH THE REQUIRED REPORTING**  
33 **PROVISIONS.**

1           **(3) IF THE LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH**  
2 **THE REQUIRED REPORTING PROVISIONS OF THIS SECTION WITHIN 30 DAYS**  
3 **AFTER BEING CONTACTED BY THE POLICE TRAINING COMMISSION WITH A**  
4 **REQUEST TO COMPLY, THE GOVERNOR’S OFFICE OF CRIME CONTROL AND**  
5 **PREVENTION AND THE POLICE TRAINING COMMISSION JOINTLY SHALL**  
6 **REPORT THE NONCOMPLIANCE TO THE GOVERNOR AND THE LEGISLATIVE**  
7 **POLICY COMMITTEE OF THE GENERAL ASSEMBLY.**

8           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 October 1, 2011. It shall remain effective for a period of 5 years and, at the end of  
10 September 30, 2016, with no further action required by the General Assembly, this Act  
11 shall be abrogated and of no further force and effect.